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|---|-------------|----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/822,855 | 04/02/2001 | Alex Holtz | 1752.0130001 | 7187 |
| 26111 | 7590 | 08/13/2004 | EXAMINER | |
| STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | ROSWELL, MICHAEL | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2173 | | |

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/822,855 | HOLTZ ET AL. | |
| | Examiner | Art Unit | |
| | Michael Roswell | 2173 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 May 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040302.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunt (U.S. Patent 6,084,581).

Hunt teaches the receiving of a show rundown, wherein the show rundown is the plurality of selected story files (taught as the selected and ordered video segments of col. 1-2, lines 65-67, 1). Hunt then converts the show rundown into broadcast instructions that, when executed, enable transmitting one or more commands to control a plurality of production devices (taught as the creation of a customized video product, or show, on one or more video recorders, which are inherently graphics devices, at col. 3, lines 32-39). Thus, Hunt has been shown to demonstrate means for such a method, and at col. 3, lines 43-45 describes computer readable program code for implementing such a method.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt and Lebling et al (U.S. Patent 6,141,007), hereinafter Lebling.

Hunt has been shown to teach the receiving of a show rundown, wherein the show rundown is the plurality of selected story files (taught as the selected and ordered video

segments of col. 1-2, lines 65-67, 1). Hunt then converts the show rundown into broadcast instructions that, when executed, enable transmitting one or more commands to control a plurality of production devices (taught as the creation of a customized video product, or show, on one or more video recorders, which are inherently graphics devices, at col. 3, lines 32-39).

However, Hunt fails to explicitly teach the receiving of a story file that includes a script or graphic effects, and converting the story file into broadcast instructions suited to display a script on teleprompting means, or to integrate graphic effects with associated story video.

Lebling teaches an interface for manipulating selected news stories and data files, similar to that of Hunt. Furthermore, Lebling teaches a script mode suitable for displaying text relevant to a story file on a teleprompter, taught at col. 11, lines 17-25.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hunt and Lebling before him at the time the invention was made to modify the method of creating individually customized videos of Hunt to include the script displaying ability of Lebling in order to obtain customized news videos with related story text.

One would be motivated to make such a combination for the advantage of displaying wire stories or user-entered story input on screen. See Lebling, col. 11, lines 10-12.

Claims 3-6, 8, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt and Kenny (U.S. Patent 6,437,802).

In regards to claims 3, 12, and 14, Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file

server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (col. 3, lines 35-36).

However, Hunt does not explicitly teach the monitoring of inter-file activity and synchronizing of the show rundown with the broadcast instructions.

Kenny teaches monitoring the inter-file activity and synchronizing the show rundown with the broadcast instructions where the monitoring of inter-file activity is the checking of received commands to determine their nature (col. 4, lines 6-7), and the synchronizing of the show rundown and the broadcast instructions is the immediate reception of an incomplete schedule that begins executing while later events in the play list are still being processed (col. 3, lines 28-38). It is inherent that in order for Kenny to receive changes to the instructions in real time synchronization of events is required.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify the video product creation process with the inter-file activity monitoring and command interleaving of Kenny in order to obtain a video production environment that produces a show through the selection and maintenance of video segments in a play list (show rundown), converts the play list into broadcast instructions, and monitors inter-file activity and synchronizes the play list with the broadcast instructions.

One would be motivated to utilize such a combination, as a video production environment with immediate airplay of video segments, the ability to edit the play list in real time, and the performing of play list operations during and after the loading of the play list and its segments would have been obtained. See Kenny, col. 1, lines 45-61.

In regards to claims 4, 5 and 8, Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (col. 3, lines 35-36). Hunt and Kenny have been shown *supra* to monitor inter-file activity (Kenny, col. 4, lines 6-7) and synchronize the show rundown with the broadcast instructions (Kenny, col. 3, lines 28-38).

The difference between Hunt and the claim is that Hunt fails to explicitly disclose the periodical polling of the show rundown to detect inter-file modifications and update the broadcast instructions with the inter-file modifications to implement synchronization.

Kenny teaches a "throttler" for the interleaving of play list loads and edits present in a broadcast automation system that is similar to Hunt's system for creating a customized video product. Kenny discloses "Fill" and "Drain" methods for accepting editing commands and executing the commands (col. 3, lines 53-59). The "Drain" method detects editing commands at a specified time interval (col. 4, lines 33-37). The "Drain" function delivers the commands to the broadcast automation system while maintaining the synchronization of tasks (col. 3, lines 54-59).

Therefore, it would have been obvious for one of ordinary skill in the art, having the teachings of Hunt and Kenny before him at the time of the invention, to modify the system of customized video products of Hunt to include the synchronization system for an automated broadcast of Kenny to obtain a system capable of creating a customized video product wherein

editing commands can be entered, read, and processed while allowing the program to function uninterrupted.

One would be motivated to utilize such a combination, as a video production environment with immediate airplay of video segments, the ability to edit the play list in real time, and the performing of play list operations during and after the loading of the play list and its segments would have been obtained. See Kenny, col. 1, lines 45-61.

In regards to claim 6, Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (col. 3, lines 35-36). Hunt and Kenny have been shown *supra* to monitor inter-file activity (Kenny, col. 4, lines 6-7), synchronize the show rundown with the broadcast instructions (Kenny, col. 3, lines 28-38), detect inter-file modifications through polling (Kenny, col. 4, lines 33-37), and update broadcast instructions with the modifications (Kenny, col. 3, lines 54-59).

The difference between Hunt and the claim is that Hunt does not explicitly teach to update only an unexecuted portion of the broadcast instructions upon detection of an inter-file modification.

Kenny teaches a "throttler" for the interleaving of play list loads and edits present in a broadcast automation system that is similar to Hunt's system for creating a customized video product. Kenny also discloses a method by which commands that are nearer to a specified completion time are pushed ahead to the top of a priority queue (col. 4, lines 36-38). In this way

Kenny allows for the immediate update of all commands relating to unexecuted broadcast instructions.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hunt and Kenny before him at the time of the invention, to modify the system of customized video products of Hunt to include the synchronization system for an automated broadcast of Kenny where unexecuted portions of the broadcast instructions are updated to obtain a system capable of creating a customized video product wherein editing commands are updated for unexecuted portions of a broadcast instruction list.

One would be motivated to make such a combination because completing edit operations for unexecuted instructions allows for the removal of unnecessary edits. See Kenny, col. 1, lines 48-50.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt and Kenny as applied to claims 3-6, 8, 12, and 14 above, and further in view of Tao et al (U.S. Patent 6,441,832), hereinafter Tao.

Hunt and Kenny have been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (Hunt, col. 3, lines 35-36). The two also monitor inter-file activity (Kenny, col. 4, lines 6-7), synchronize the show rundown with the broadcast instructions (Kenny, col. 3, lines 28-38), detect inter-file modifications through polling (Kenny, col. 4, lines 33-37), and update broadcast instructions with

the modifications (Kenny, col. 3, lines 54-59). Hunt and Kenny combine to teach the update of an unexecuted portion of the broadcast instructions (Kenny, col. 4, lines 36-38).

The difference between the claim and the teachings of Hunt and Kenny is the claims recite the tailoring of the broadcast instructions to not exceed a specified time, not explicitly taught by Hunt and Kenny.

Tao teaches the production, modification, and deletion of a play list of video and audio files similar to the system for creating a customized video product of Hunt and the broadcast automation system that the “throttler” of Kenny operates on. Tao further teaches the adjustment of broadcast instructions through the use of a “browse” button that outputs a selected play list for a predetermined period of time (col. 12, lines 15-17).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hunt, Kenny, and Tao at the time of the invention, to modify the synchronized custom video product apparatus from the combination of Hunt and Kenny to include the predetermined execution time of Tao to obtain a custom video production apparatus with synchronized event updating where the broadcast instructions are executed for only a predetermined time.

One would be motivated to make such a modification for the advantage of strict output length control for enhanced management of clips. See Tao, col. 1, lines 17-23.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt and Tao.

Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show

rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (col. 3, lines 35-36).

The difference between the Hunt reference and the claim is that Hunt does not explicitly disclose a broadcast element file used to link a group of video production commands to each story file.

Tao teaches the production, modification, and deletion of a play list of video and audio files similar to the system for creating a customized video product of Hunt. Furthermore, Tao discloses the ability to create several play list files, while retaining the ability to edit each one in real time (cols. 15-16, lines 60-67, 1).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hunt and Tao before him at the time of the invention, to modify the created show of Hunt by utilizing the multiple play lists of Tao to obtain a show where each individual video file has its own sets of commands controlled by a play list.

One would have been motivated to make such a combination because of the ease of use obtained by working with each story file individually. Each play list file can be composed in any general order, and played back later in an order more conducive to the user's liking. See Tao, col. 16, lines 2-6.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt and Tao as applied to claim 9 above, and further in view of Petelycky et al (U.S. Patent 6,204,840), hereinafter Petelycky.

Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video

segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (col. 3, lines 35-36). Furthermore, Tao disclose the ability to create several play list files, while retaining the ability to edit each one in real time (cols. 15-16, lines 60-67, 1).

Hunt and Tao do not explicitly teach to populate the broadcast instructions with icons that execute associated broadcast instructions when activated.

Petelycky discloses a method for arranging and ordering media, similar to Hunt's video production environment, where the media is represented iconically. In addition, Petelycky teaches icons formatted to instruct the system to execute video production commands when activated (cols. 11-12, lines 65-67, 1-3), and associating the icons with a broadcast element file (col. 5, lines 31-40).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hunt, Tao, and Petelycky before him at the time of the invention, to modify the video production environment with a plurality of story files of Hunt and Tao to include the video production icons of Petelycky, in order to obtain a video production environment composed of several story files, each composed of video production commands associated with a broadcast element file, wherein broadcast instructions are represented iconically in the video production environment and in the broadcast element file.

One would be motivated to make such a combination because of the nature of icons and iconic clues to be more quickly and easily identifiable than text, and the ability to easily manipulate icons in a graphical user interface. See Petelycky, col. 12, lines 4-7.

Response to Arguments

Due to the state of the claims, the objection to claims 2 and 12 for containing the trademark TELEPROMPTER has been withdrawn. Furthermore, the rejection of claim 2 under 35 U.S.C. 112 has been withdrawn for similar reasoning.

Applicant's arguments, see pages 9-10, filed 5 May 2004, with respect to the rejection of claim 2 under 35 U.S.C. 102 has been fully considered and is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hunt and Lebling, under 35 U.S.C. 103.

Applicant's arguments filed 5 May 2004 have been fully considered but they are not persuasive. Applicant contends that Hunt fails to teach "producing a show", and that Hunt is "directed to 'post-production' activity instead of 'production' activity". However, Hunt at col. 1, lines 22-25, describes the prior art the invention improves upon, wherein "a user requests on or more [video] programs and the headend unit delivers the programs over a communications medium for live viewing by the user on a television screen or display monitor". As this description encompasses Applicant's claimed "show", such arguments are considered moot.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
8/03/2004


CAO (KEVIN) NGUYEN
PRIMARY EXAMINER